

In the Matter of Merchant Mariner's Document No. Z-588061-D2 and
all other Licenses, Certificates and Documents

Issued to: SYDNEY A. GRIFFITH

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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SYDNEY A. GRIFFITH

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

By order dated 26 October 1955, an Examiner of the United States Coast Guard at New Orleans, Louisiana, suspended Merchant Mariner's Document No. Z-588061-D2 issued to Sydney A. Griffith upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as a deck maintenance man on board the American SS TRIMPLES FORD under authority of the document above described, on or about 20 September 1955, while said vessel was undocking at Marcus Hook, Pennsylvania, he continued to disobey the lawful commands of the Master to leave the bridge of the ship.

The hearing was held at Houston, Texas. Appellant was not present at the beginning of the hearing but he was represented by counsel of his own choice. The Examiner entered a plea of "not guilty" to the charge and each specification on behalf of Appellant.

Thereupon, the Investigating Officer made his opening statement. He introduced in evidence the testimony of the Master of the ship and a certified copy of an entry in the Official Logbook which entry pertains to the alleged offense.

At a later date, Appellant appeared and testified under oath in his behalf. Appellant stated that he went to the bridge in order to convince the Master that Appellant was not drunk. A union patrolman appeared as a witness for Appellant. It was stipulated that if the helmsman were present, he would testify that he did not assist Appellant in leaving the bridge.

At the conclusion of the hearing, having heard the arguments of the Investigating Officer and Appellant's counsel and given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his decision and concluded that the charge

and specification had been proved. He then entered the order suspending Appellant's Merchant Mariner's Document No. Z-588061-D2, and all other licenses, certificates and documents issued to Appellant by the United States Coast Guard or its predecessor authority, for a period of six months - three months outright suspension and three months suspension on probation until eighteen months after the termination of the outright suspension.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 20 September 1955, Appellant was serving as a deck maintenance man on board the American SS TRIMBLES FORD, and acting under authority of his Merchant Mariner's Document No. Z-588061-D2 while the ship was undocking from a pier at the Sinclair Oil Terminal, Marcus Hook, Pennsylvania. The TRIMBLES FORD is a tanker of more than 500 feet in length.

At about 2200 on this date, the Master of the ship was on the bridge with the docking Pilot while the latter was maneuvering the ship in the process of getting underway. The Chief Mate was also on the bridge. The Master observed that Appellant, who was on the foredeck handling lines, was having difficulty clearing a line and was unsteady on his feet. Thinking that Appellant might be injured, the Master told the Chief Mate to order Appellant to his quarters. The Chief Mate relayed this order to Appellant but he said he was not drunk and refused to obey. the Chief Mate then told Appellant to obey the order or to go see the Master.

Appellant went to the wheelhouse and demanded to know if the Master thought Appellant was drunk. The Master ordered Appellant to leave the bridge and turn in. The Master was very busy carrying out the orders of the Pilot during the undocking operation. When Appellant refused to leave the wheelhouse, the Master repeated the same order three or four times after Appellant inquired whether the Master thought Appellant was drunk. At one time, Appellant was steadying himself on the engine room telegraph when the Master had to shore Appellant aside in order to ring the engine room for a slow ahead order given by the pilot. The Master was told by Appellant, in a very belligerent tone of voice, not to shove him. Shortly thereafter, Appellant left the wheelhouse and went below while the Master was on the wing of the bridge.

There is no record of prior disciplinary action having been taken against Appellant during his fifteen years at sea.

BASIS OF APPEAL

This appeal has been taken from the order imposed by the Examiner. Appellant contends that the evidence is not sufficient to support the specification; the evidence does not support the findings beyond a reasonable doubt; and the order is unduly harsh.

APPEARANCES AT THE HEARING: W. Jiles Roberts, Esquire, of Houston, Texas, of Counsel.

OPINION

The degree of evidence required in these administrative proceedings is substantial evidence rather than proof beyond a reasonable doubt. There is substantial evidence in this record to support the allegations contained in the specification. Appellant's own testimony is that he did not obey the repeated orders of the Master (R.32).

In order to maintain the necessary discipline on board ship, the authority of the Master must be supreme and his lawful commands must be obeyed without question or hesitation. In addition to violating this principle, the seriousness of Appellant's breach of discipline was aggravated by the fact that his conduct interfered with the safe navigation of the ship at night. The duties the Master was performing required quick action by him. If Appellant's misconduct had caused any delay in the carrying out of the pilot's orders, the result might well have been damage to the ship and other property as well as injury to personnel. For these reasons, it is my conclusion that the order is not unduly harsh despite Appellant's prior clear record.

ORDER

The order of the Examiner dated at New Orleans, Louisiana, on 26 October 1955 is AFFIRMED.

A. C. Richmond
Vice Admiral, U. S. Coast Guard
Commandant

Dated at Washington, D. C., this 10th day of February, 1956.